

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHANNON MORLEY,

Plaintiff,

vs.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS,

Defendant.

NO. CV-06-129-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION, DENYING  
APPLICATION TO PROCEED *IN FORMA*  
*PAUPERIS*, DENYING MOTION FOR  
APPOINTMENT OF COUNSEL AND  
DISMISSING ACTION

Magistrate Judge Imbrogno recommended on August 15, 2006, that Mr. Moreley's request to proceed *in forma pauperis* be denied as it failed to satisfy the exception under 28 U.S.C. § 1915(g). The court further recommended Plaintiff's motion for appointment of counsel (Ct. Rec. 12) be denied. There being no objection, **IT IS ORDERED** the Report and Recommendation is **ADOPTED in its entirety**.

Plaintiff was advised if he wished to proceed with this action, he must pay the \$350.00 filing fee. He has not done so. For the reasons stated above and in the Report and Recommendation (Ct. Rec. 13), **IT IS ORDERED** the application to proceed *in forma pauperis* is **DENIED**, the Motion for Appointment of Counsel (Ct. Rec. 12) is **DENIED** and this action is **DISMISSED**.

ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*, DENYING MOTION FOR APPOINTMENT OF COUNSEL AND DISMISSING ACTION -- 1

1       **IT IS SO ORDERED.** The District Court Executive is directed to  
2 enter this Order and forward a copy to Plaintiff, enter judgment and  
3 close the file.

4       **DATED** this 7<sup>th</sup> day of November, 2006.

5                               *s/ Robert H. Whaley*

6                               ROBERT H. WHALEY  
7                               CHIEF UNITED STATES DISTRICT JUDGE

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27 ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING APPLICATION TO  
28 PROCEED *IN FORMA PAUPERIS*, DENYING MOTION FOR APPOINTMENT OF COUNSEL  
AND DISMISSING ACTION -- 2